



BOARD OF SELECTMEN
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BOARD MEETING MINUTES
December 3, 2020
9:00 A.M.

Selectmen Present: Daniel Baker – via Zoom, in person: Robyn Bates and Brian Doerpholz

Guests: (via Zoom) Dana Pinney, Robert Ford, Jean Ford
(in person) Sheena Royce

Ms. Bates called the meeting to order at 9:03 a.m.

PRIMARY:

PUBLIC COMMENT

Mr. Doerpholz asked Dana Pinney how much time he needed at the Budget Committee meeting. Mr. Pinney would be there to answer any questions. Mr. Doerpholz asked about handouts. Mr. Pinney has provided handouts for tonight's meeting.

*** **APPROVE MANIFESTS**

Ms. Bates made a motion to approve the manifests. Mr. Doerpholz seconded. Mr. Baker – Abstained, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 2-0

*** **APPROVE MINUTES**

- **November 17, 2020**
- **November 17, 2020 Non-Public Session**

Ms. Bates made a motion to approve the minutes of November 17th both public and non-public. Mr. Doerpholz seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

*** **REVIEW SIGNATURE FOLDER** – The Selectmen reviewed and signed

*** **UPDATE ON BOARD MEETINGS**

ZBA – Ms. Bates shared that the ZBA has conducted their site walks and their next meeting has been scheduled for December 8th.

Planning Board - Mr. Baker shared that the Planning Board reviewed the State guidelines of the Shoreland Protection Act. Mr. Baker noted that it is difficult to enforce if adopted by the Town, and difficult to understand the process to administer. Mr. Baker was glad that the Planning Board felt the same way. Mr. Baker stated that we needed something that is easy to understand by our citizens and easily enforced.

Prime Wetlands Presentation by Rick Van de Poll – Mr. Baker thought the presentation was very well done. He felt the Town would endorse. Mr. Baker didn't know the final number or whether the Conservation Commission agreed to fund. Ms. Favreau shared that Dr. Van de Poll's cost was \$6,000 and would be funded from the Conservation Commission's Land Use Change account.

Budget Committee – Mr. Doerpholz shared that the Conservation Commission missed their appointment last night. Their budget was reviewed and had little change, so Committee members opted not to reschedule them. They met with Land Use and the Recreation Department to review their budgets. Marion Wheeler presented the Tax Collector's budget. Mr. Doerpholz noted that the Library asked for their appointment to be rescheduled with the Budget Committee as well as CIP. Ms. Favreau shared that she hasn't received the Library's CIP request. Ms. Favreau noted that General Government Buildings CIP request would be reviewed tonight. Ms. Favreau was concerned that with all other departments rescheduling for next week, that meeting at 6:30 didn't allowed enough time.

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It was confirmed that the General Government CIP request was on the Selectmen's schedule to discuss this morning.

Discussion was held on the tight meeting schedule and the difficulty in rescheduling.

REVIEW CONSTRUCTION PERMIT APPLICATION

- Map 6, Lot 23

Map 6, Lot 23 – Mr. Doerpholz made a motion to approve the Permit for Map 6, Lot 23. Ms. Bates seconded.

Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

The Selectmen agreed that an Occupancy Permit was needed.

9:15 MEET WITH SHEENA ROYCE, RECREATION DIRECTOR

- Winter recreation activities

Sheena Royce met with the Selectmen to discuss winter recreation activities.

Ms. Royce shared that 18 homes have registered for the Light Up the Night event. The grand prize would be a basket of Fitzwilliam made products. The kick-off is December 11th and the deadline to register is December 6th. Judging would be held on December 11th. Printed maps would be available.

The Recreation Commission would like to tie in the additional components to the Light Up the Night event:

- Outdoor Holiday movie night - The library's movie license has been expanded and would allow for outdoor movies to be shown until June 2020; and
- Fundraising for the Fitzwilliam District Nurses Association.

Mr. Doerpholz asked where the movie would be held. Ms. Royce shared that the projector and screen would be set up on the Library's front steps. Templeton Turnpike would be shut down, similar to what they do for Halloween. Mr. Doerpholz mentioned that there would be traffic noise. Ms. Royce would think about another location to project the movie from whether it's on the Library's side lawn or outside of the Town Hall.

Ms. Bates made a motion to approve the Recreation Department's request for the outside movie on December 11th, with closure of Templeton Turnpike. Mr. Doerpholz seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

Ms. Royce would coordinate with the Police Department. Ms. Bates thought that Officer Dan Moore might want to participate as he is involved with the students at George Emerson.

Ms. Bates asked about the budget for printing the maps. Ms. Royce would find out if the Frank Massin agency has a color printer and would print the maps and if not, they would print off of the printer in the Recreation Department.

Ms. Bates made a motion to approve the printing of the maps for the light tour. Mr. Doerpholz seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

Ms. Bates mentioned the need for pictures for the Annual Report. Ms. Royce would send some pictures in.

Ms. Royce discussed the following:

- setting up the ice rink at the pole barn. The ice rink hasn't been set up in the past couple of years, due to lack of interest. It was thought that this year there would be more interest. Ms. Bates shared that anything they can do to brighten people's spirits was wonderful. It was noted that the fire department would fill the rink;
- ski hill – could she promote sledding. Ms. Favreau shared that it was a liability because it was Town property. It isn't posted. Mr. Doerpholz mentioned to post a sign that stated the hill is open and to use at own-risk. The Selectmen didn't see an issue with it. Ms. Bates suggested adding with adult supervision. Mr. Baker shared that the ski trails have not been maintained and it would be fine for sledding but we can't promote the use of the trails. Mr. Doerpholz didn't think that we needed to advertise but wanted the sign stating to use at own-risk. Ms. Bates wanted to have something for children to do especially this year and was in favor of advertising with the exception of the trails. Mr. Baker was in favor but making sure that we don't advertise the trails that include private property. Mr. Baker suggested advertising that the Recreation Department requested that the hill be available for sledding. Ms. Royce mentioned doing a Facebook post and would send to Ms. Favreau for approval. Ms. Royce would also include in the newsletter;
- in-door basketball program - the school is under a hybrid schedule and we are unable to use during this time. Discussion was held on other possible locations for in-door activities; and
- SWRPC rail trail meeting on the project they are promoting to repair the trail from Keene to the Massachusetts line. The first step was to get feedback from the users of the trail. Ms. Royce has posted the survey request on Facebook. She and Paul Kotila, Chair Conservation Commission have agreed to participate. If there is a good plan, there is

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opportunity for grants. Ms. Bates asked how the Town supports this. Ms. Royce shared to continue to get the word out and for people to use the trails. Ms. Royce shared the need to come up with a group of people to help maintain the trails, as it mostly falls to the Sno Moles to maintain. Discussion was held on providing feedback on why someone hasn't used the trails, ATVs are not allowed on the trails, and snowmobiles being allowed during the winter. Ms. Royce would also do an e-mail blast and would forward to Ms. Favreau for posting on the Town's website.

Ms. Bates mentioned coordinating with SWRPC for work on other trails. Ms. Favreau shared that the trails on private property couldn't just be cleaned up without asking the owners. The Selectmen agreed to Table further discussion at this time.

Ms. Royce offered to help get information out on Broadband and was willing to create some graphic information to share on the Recreation's Facebook page and send out via the e-mail list that they have. Ms. Bates noted that the Broadband Task Force has their own Facebook page. Mr. Pinney stated that he was willing to work with Ms. Royce to get the word out. He asked that Ms. Royce forward the information for members to review. Ms. Royce was willing to assist and would contact Mr. Pinney. The Selectmen were in agreement. It was noted that the recreation department has a large following.

9:45 MEET WITH VOLUNTEER BROADBAND TASK FORCE

Mr. Pinney shared that he has reached out to Ms. Favreau about the concern on how many people could connect on the Zoom platform. Ms. Favreau has increased the number of participants. Mr. Pinney shared that he needed to reach out to Lori Nolan on the logistics of the meeting. He noted there was a glitch during the Planning Board meeting. Ms. Bates shared that the computer was trying to do an update and the video was lost but not the audio.

Mr. Pinney shared that he contacted CCI (Consolidated Communications Inc.) and they were surprised that CCI didn't already service the Town Hall. Mr. Pinney forwarded the information to Ms. Favreau but he hasn't heard back from them. CCI would offer high speed to the Town Hall at no charge until April of 2021. Mr. Pinney shared that part of CCI's proposal would be to provide high speed to the Town facilities for free. Mr. Baker stated they needed to move quickly. Mr. Pinney would reach out to CCI today. Mr. Baker was trying to get tested for COVID-19 today in order to run the meeting Wednesday. Mr. Baker asked if one Selectman needed to be remote. Mr. Pinney confirm that at least one Selectman needed to be remote. Mr. Baker shared that he can't really rely on the internet for video and that is why he dials in when he needs to be remote. Mr. Doerpholz offered to be remote. Mr. Baker asked about getting questions related to the Bond. Mr. Pinney shared that the Task Force members would be there and he believed they had all of those answers and felt it was a non-issue. It is a taxable bond and if the Town approved moving forward, Ms. Favreau would have to submit some paperwork and it would be done through the Bond attorney. Mr. Pinney explained the bond process.

Mr. Pinney stated that he would like to post the meeting information and allow for comments. Ms. Bates stated the Selectmen would consider this request but they wouldn't want them to respond to the comments. Mr. Pinney shared that Task Force members didn't have a problem with not responding to comments.

Ms. Bates mentioned that if CCI went under then the Town would be responsible for the bond, so there is exposure to the Town. Mr. Pinney shared that the fiber on the street would be owned by the Town. If CCI were to sell, the Town owns the infrastructure and the Town could sell. Mr. Baker felt they all understood this when they went through the details, when presented to the public, it is important to give full disclosure and he was confident that most people would understand. Mr. Pinney shared that CCI has the phone service in Town and they really couldn't just walk away.

*** REVIEW APPOINTMENT RECOMMENDATIONS

- Patrick Deyo - Historic District
- Susan Silverman – ZBA
- Nick Noyes – Trustee of Trust Fund

Ms. Bates reviewed the ZBA's recommendation to appoint Susan Silverman.

Ms. Bates made a motion to appoint Susan Silverman to the ZBA. Mr. Baker seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

Ms. Bates asked if the Historic District Commission recommended Patrick Deyo to the Commission. Ms. Favreau shared that she received an e-mail from John Fitzwilliam, Chair of the Historic District Commission recommending the appointment of Patrick Deyo.

Ms. made a motion to appoint Patrick Deyo to the Historic District Commission. Mr. Doerpholz seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

Ms. Favreau shared that upon the death of June Parker, Nick Noyes volunteered to fill out her term, which ends March 2021.

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Mr. Doerpholz made a motion to appoint Nick Noyes as Trustee of the Trust Fund. Ms. Bates seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

Mr. Baker asked about alternates to the Trust Fund. Ms. Favreau shared that it is an elected position. Ms. Favreau didn't know if Mr. Noyes was willing to run again. Mr. Baker shared his understanding of what some of the duties of the trustee would be. Mr. Doerpholz suggested asking Mr. Noyes if he was willing to run again and if not, to have the Trustees of the Trust Fund meet with the Selectmen. The Selectmen agreed.

*** REVIEW CHANGE OF USE – MAP 12, LOT 39-3

Ms. Bates reviewed the letter from Mark Stetson, Assessor Supervisor at Avitar regarding Map 12, Lot 39-3. The change is due to the sale on September 16, 2020 which left this parcel no longer contiguous with other property under common ownership with sufficient acreage to remain in current use. Mr. Stetson's opinion is that the purchase price of \$75,000 is indicative of the market value and therefore a land use change tax in the amount of \$7,500 is warranted.

Mr. Baker made a motion to charge the land use tax. Mr. Doerpholz seconded. Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes. Approved – 3-0

*** BUDGET WORK

- General Gov't Buildings CIP
- Review Information from State regarding combining fire/ambulance

General Gov't Buildings CIP - Maintenance - \$198,000 is left in this revocable trust account. Mr. Baker felt the work that was needed would be covered and he didn't think additional funds were needed. Ms. Bates agreed.

Mr. Doerpholz would like to look into the lighting in the Town Hall. Mr. Doerpholz mentioned that the track lighting used isn't meant for lighting the room. This is something that needs to be addressed, even if not done until 2022.

Ms. Bates asked what Mr. Baker thought would be expended from the fund for the work. Mr. Baker thought it was approximately \$15,000 for this year and next year we would be bidding out the stone work on the southeast corner of the Town Hall, the steps, and painting which he thought would be in the \$75,000 range. Mr. Baker felt the work was well within the funds allocated. Ms. Favreau mentioned the revocable fund for painting has a balance of \$361. Mr. Baker suggested increasing to \$20,000. Mr. Baker felt that the front of the Town Hall should be painted.

Ms. Bates asked about the revaluation fund which has a balance of \$31,000. The next revaluation was due in three years. Mr. Bates mentioned the on-going 1/3 of the town being done. Ms. Favreau recommended taking a break from this and noted that construction permits would capture any new construction.

Ms. Bates asked if the Selectmen were comfortable with reducing CIP to \$19,000. The Selectmen agreed

Review Information from State regarding combining fire/ambulance – Ms. Favreau shared that the State auditor didn't advise doing this. Ms. Bates stated that because of the track record of the budgeting process for this department, it would behoove us to keep separate to have a better sense of the budget for fire and ambulance. Mr. Doerpholz agreed.

*** DISCUSS COMPLAINTS

- Property on Rhododendron Road
- Tree on Old Turnpike Road

Property on Rhododendron Road – Ms. Bates shared that the Selectmen have all received an anonymous letter stating that at 347 Rhododendron Road they are running a business and have a mobile home on the property. Mr. Baker stated that the owner has approval for running a business and also has approval for a trailer (temporarily) while the house is being built. Ms. Favreau shared that the Planning Board didn't require a site plan review, so there isn't any violation. Ms. Bates suggested sending a letter to the PO Box listed on the complaint and copying the Planning Board to note that there are no violations at this time. Mr. Baker stated that once the building is completed, the trailer would need to be removed. Ms. Favreau shared that the property owner has requested a one year extension that has been granted. Code Enforcement Officer Justin Killeen was sent to look at the two trailers on the premises and verified that only one was lived in and the extension was granted.

Tree on Old Turnpike Road – A complaint was received from George Crosby about the possibility of damage to his home or cars from the oak tree that is in front of his home. Ms. Favreau shared that she had Glenn Smith, DPW Director look into and he stated the picture is misleading as the tree is further away from the road. The Town is only concerned with removing a tree or brush if it infringes with the highway department's ability to maintain the road. Mr. Smith stated that in regards to hazards – he noted a section in Hard Road to Travel which Ms. Favreau reviewed with the Selectmen. Mr. Smith concern was that now that we have been made aware of this, do we need to take care of. Mr. Smith didn't believe there was any danger to the road and the land owner owns the tree. Mr. Baker asked if Mr. Smith thought the entire tree needed to be removed. Ms. Favreau

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stated that she hasn't talked with Mr. Smith. Mr. Baker was in favor of removing the tree. Mr. Doerpholz suggested cutting the branches that overhang the road. After discussion, the Selectmen deferred until next week after Ms. Favreau has an opportunity to discuss with Mr. Smith.

*** REVIEW INFORMATION FROM CHIEF DISALVO

Ms. Favreau shared that this was information that Chief Leonard DiSalvo would put in the newsletter. Mr. Doerpholz was in full agreement. Ms. Favreau shared that there was another incident of burned tires being thrown in the road and no one knows who did it. A couple people have come into the Selectmen's office to complain. Ms. Favreau looked at noise ordinances from other towns. Ms. Favreau discussed with Chief DiSalvo about the breach of peace and she reviewed this with the Selectmen. Chief DiSalvo stated the problem is proving, after the fact, who did it. If it goes to Court and is thrown out, this gives more incentive to continue by the person responsible. Mr. Doerpholz asked if the Town could put limits on the amount used, if legal, and how to prove the amount used. One person that complained was going to measure the decibel level.

Discussion was held on what another town has done with allowing Tannerite to be used only in an agricultural district, used only in certain districts, having an ordinance, and Tannerite being legal.

Mr. Pinney believed that Tannerite fell under the laws of shooting, the distances to shoot and where allowed. Mr. Pinney shared that he had sent this information to Ms. Favreau. The RSA states what a Town is allowed and not allowed to do. This information was noted in Chief DiSalvo's information. Discussion of what the Selectmen could do about this issue was discussed at length. The Selectmen agreed to send a letter acknowledging his rights, noting the complaints received, and appreciating his sensitivity to the matter. Mr. Doerpholz asked if a copy of Chief DiSalvo's letter should be enclosed. The Selectmen agreed. The Selectmen agreed to send a separate letter to the abutters, stating that a letter has been sent, the requirements, and noting that there isn't any more that the Selectmen can do under the law but they have asked for sensitivity to the matter. A copy of Chief DiSalvo's letter would be enclosed.

Robert Ford asked if the Town has gotten a legal opinion. Ms. Favreau wasn't sure of the conversation that Chief DiSalvo has had with the Town's prosecutor, Martha Jacques. Mr. Ford suggested contacting an attorney. Ms. Favreau would contact NHMA. Mr. Ford was concerned with writing a letter without contacting an attorney first. Ms. Bates stated that Mr. Ford's comments were appreciated. The Selectmen would reach out to NHMA first. Ms. Bates stated that she was in agreement with Mr. Ford. Ms. Bates wanted to spend no more than \$500 to contact legal counsel. Mr. Baker agreed to contact NHMA to find out how other towns have dealt with this matter. Mr. Baker agreed with Ms. Bates that we write the letter but get an opinion from an attorney.

*** DISCUSS POSSIBLE VIOLATIONS – 709 NH RT 12 SOUTH

Ms. Favreau shared that this was the old Niemela property, currently owned by Robin Crowe. Ms. Crowe met with the Planning Board to open a retail business. A report of calls for service from Sergeant Jeffry Clark was handed out to the Selectmen. Ms. Favreau shared that the renting of a room to not more than four persons is allowed and over four requires a special exception.

Ms. Favreau suggested writing a letter. The Selectmen agreed that a letter be sent, noting the violation, giving a 30 day notice to contact the Planning Board and copying the Town's Health Officer, Carol Ann Rocheleau. Mr. Baker stated that we can review someone living in the retail business and have Ms. Rocheleau inspect. Since the Police Department has witnessed the violation, we can send a letter to the land owner stating the violation and giving a notice to remedy. Ms. Favreau shared that a cease and desist letter would need to be sent in order to start corrective measures and charge fines. After discussion, the Selectmen agreed to send a letter, noting the violation and then a cease and desist letter would be sent.

*** NON-PUBLIC SESSION - RSA 91-A:3 II(a) – COMPENSATION

At 11:24 a.m. Ms. Bates made a motion to go into non-public session under RSA 91-A:3 II(a). Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes.
At 11:35 a.m. Ms. Bates made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes.

*** NON-PUBLIC SESSION - RSA 91-A:3 II(c) – ABATEMENT

At 11:35 a.m. Ms. Bates made a motion to go into non-public session under RSA 91-A:3 II(c). Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes.
At 11:38 a.m. Ms. Bates made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Mr. Doerpholz seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Bates - Yes, Mr. Doerpholz - Yes.

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ON-GOING BUSINESS:

*** **BUDGET WORK**

*** **AMBULANCE SERVICE**

*** **TOWN-WIDE ISSUES TO BE ADDRESSED AND THEIR ENFORCEMENT**

- **Unregistered vehicles**
- **Debris and junk in yards**

Mr. Baker shared the work being done in the clock room and mentioned that Joshua Sainz from Southgate Steeplejacks would be here on Monday to do some soldering and a small roof repair that was noticed during the recent windstorm.

INFORMATION:

*** **Notice of vacate order**

*** **Cheshire County Budget**

Meeting Schedule: The next meeting will be held on Wednesday, December 9th at 6 p.m. following by the Broadband Public Hearing at 7:00 p.m.

Ms. Bates made a motion to adjourn the meeting at 11:45 a.m. Mr. Doerpholz seconded and the motion passed. 3-0

Submitted by:

Sheryl White
Secretary to the Board of Selectmen

Daniel Baker, Chairman

Robyn Bates

Brian Doerpholz
Board of Selectmen